

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 16, 2009 has been entered.

REASONS FOR ALLOWANCE

The following is a statement of reasons for allowance: the combination of topramezone, compound A and foramsulfuron, compound B, in a synergistic mixture is free of the prior art. The data provided in the specification is convincing. The data in table 3, on page 46, indicates that the combination of topramezone and foramsulfuron provide unexpected results against *Avena fatua* and *Pharbitis purpurea*. The combination of topramezone and foramsulfuron at 3.91 g/ha ai and 1.95 g/ha ai, respectively, provide 80% damage against *Avena fatua* and 98% damage against *Pharbitis purpurea*. The expected damage was 75%, *Avena fatua*, and 94%, *Pharbitis purpurea*. Likewise, the combination of topramezone and foramsulfuron at 1.95 g/ha ai and 0.98 g/ha ai, respectively, provide 70% damage against *Avena fatua* and 80% damage against *Abutilon theophrasti*, as indicated in table 4 on page 46. The expected damage was 48% and 58%.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Monica Kitt on May 22, 2009.

In the Claims:

Claim 49 has been cancelled.

Conclusion

Claims 34-35, 39, 42-45, 47-48, 50-55, and 58-62 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andriae M. Holt whose telephone number is (571)272-9328. The examiner can normally be reached on 7:00 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richter Johann can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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